

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: March 22, 2010
POSITION: Neutral

BILL NUMBER: AB 2263
AUTHOR: M. Yamada

BILL SUMMARY: Sentencing

This bill would extend until January 1, 2012 provisions of law that provides that most felonies are punishable by a triad of terms of incarceration in the state prison, comprised of a low, middle, and upper terms and that the appropriate term and enhancement rests within the sound discretion of the court.

FISCAL SUMMARY

At this time there is no information available that indicates how judges, who have been provided discretion to impose longer or shorter sentences and enhancements, have been utilizing this discretion. When the judges impose longer terms and enhancements, the state incurs increased incarceration costs. When the judges impose shorter terms and enhancements, the state incurs decreased incarceration costs. We note that to the extent that judges impose a longer term or enhancements on inmates, it would result in additional General Fund costs of approximately \$50,000 for each additional year that an inmate is incarcerated.

COMMENTS

Existing law, Chapter 3, Statutes of 2007 (SB 40), gave judges additional discretion in deciding which tier of California's three-tiered sentencing structure to impose on an offender. SB 40 was introduced in response to the *Cunningham v. California* ruling by the United States Supreme Court, in which specific aspects of California's determinate sentencing laws were found to be unconstitutional. In addition, Chapter 171, Statutes of 2009 (SB 150) gave judges additional discretion in deciding which sentencing enhancements to impose. Finally, existing law also sunset the discretion provided to judges on January 1, 2011.

This bill would extend the sunset date until January 1, 2012.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2009-2010	FC	2010-2011	FC	2011-2012	Code
5225/Corr & Rehab	SO	No	-----	See Fiscal Summary				-----	0001

Analyst/Principal (0234)	Date	Assistant Program Budget Manager	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

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